

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL MEDICAL SERVICES,
INC.,

Plaintiff,

v.

INDX LIFECARE, INC.,

Defendant.

Case No. 16-cv-04425 NC

**ORDER TO SHOW CAUSE
REGARDING MOTION FOR
DEFAULT JUDGMENT**

Re: Dkt. No. 15

Plaintiff National Medical Services, Inc. filed a motion for default judgment against defendant INDX Lifecare, Inc. Dkt. No. 15. In its motion, National Medical did not address the factors set forth by the Ninth Circuit in *Eitel v. McCool* to assist the Court in determining whether default judgment is warranted. 782 F.2d 1470, 1471-72 (9th Cir. 1986).

Those factors are: (1) the possibility of prejudice to the plaintiff; (2) the merits of the plaintiff's substantive claim; (3) the sufficiency of the complaint; (4) the sum of money at stake in the action; (5) the possibility of a dispute concerning material facts; (6) whether the default was due to excusable neglect; and (7) the strong policy favoring decisions on the merits. *Eitel*, 782 F.2d at 1471-72.

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1 Thus, the Court ORDERS National Medical to file with the Court a brief not to
2 exceed 10 pages addressing each of the seven *Eitel* factors by April 5, 2017.

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4 **IT IS SO ORDERED.**

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6 Dated: March 27, 2017

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8 NATHANAEL M. COUSINS
9 United States Magistrate Judge
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United States District Court
Northern District of California